

Message Text

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ACTION HA-05

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C O N F I D E N T I A L TEHRAN 5872

E.O. 11652: GDS
TAGS: SREF, IR
SUBJ: IRANIAN ASYLUM SEEKERS

REF: STATE 138461

1. UPON RECEIPT OF REFTEL POLCOUNS WROTE LETTER TO HOMAYOUN BAHADORI, UNDERSECRETARY FOR EXTERNAL AFFAIRS OF THE MINISTRY OF COURT, BRINGING TO HIS ATTENTION THE INS INVESTIGATION OF THE STATUS OF A NUMBER OF IRANIAN STUDENTS WHO PARTICIPATED IN RECENT DEMONSTRATIONS IN THE U.S. AND ARE EXPECTED TO ASK FOR POLITICAL ASYLUM WITH THE CLAIM THAT THEY WOULD BE MISTREATED IF DEPORTED AND HAD TO RETURN TO IRAN. LETTER ASKED WHAT TREATMENT MIGHT BE EXPECTED SHOULD THE STUDENTS RETURN. WOULD PARTICIPATION IN DEMONSTRATIONS IN THE U.S. BE CONSIDERED A VIOLATION OF IRANIAN LAW DUE TO CRITICISM OF THE MONARCHY, OF THE GOVERNMENT OR FOR OTHER REASONS?

2. THE EMB HAS JUST RECEIVED THE FOLLOWING REPLY DATED JUNE 14 FROM BAHADORI:

" I THANK YOU FOR YOUR LETTER AND ENQUIRY OF 6TH JUNE, 1978 WHICH WAS SUBMITTED TO THE HIGH ATTENTION OF HIS IMPERIAL MAJESTY THE SHAHANSHAH ARYAMEHR.

"THE INFORMATION WE HAVE RECEIVED IN CONNECTION WITH THE RECENT DEMONSTRATIONS IN AMERICA WHICH YOU HAVE REFERRED
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TO WAS THAT RELAYED BY THE NEWS MEDIA. SHOULD ANY IRANIANS HAPPEN TO HAVE BEEN AMONG THE DEMONSTRATORS, THE IRANIAN JUDICIAL AUTHORITIES HAVE NO RECORD AT THEIR DISPOSAL IN THIS REGARD. THEREFORE, THE SUPPOSED PROSECUTION OF OR THE ADOPTION OF ANY PARTICULAR TREATMENT TOWARDS THOSE RETURNING ARE NOT BEING CONSIDERED."

3. COMMENT: THE OFFICIAL POSITION COMMUNICATED BY THE LETTER WOULD APPEAR TO DISPOSE OF THE QUESTION OF STUDENT PARTICIPATION IN THE DEMONSTRATIONS BEING CITED AS AN OFFENSE IN THE OPEN CIVILIAN COURT SYSTEM. IT IMPLIES THIS WOULD NOT BE SO CITED IN THE GENERALLY CLOSED MILITARY COURT SYSTEM EITHER, THOUGH ON THAT SCORE WE ARE LESS SURE.

4. THE EMB IS NOT AWARE OF SPECIAL CASES IN THE PAST IN WHICH STUDENTS OR OTHER PEOPLE HAVING TAKEN PART IN ANTI-SHAH DEMONSTRATIONS ABROAD WERE TRIED AND SENTENCED SPECIFICALLY ON THE CHARGE OF CRITICIZING THE SHAH OR ON CHARGES OF INVOLVEMENT IN ANTI-IRANIAN DEMONSTRATIONS IN OTHER COUNTRIES. THAT IN ITSELF IS NOT DETERMINING, HOWEVER SINCE ANTI-SECURITY TRALS HAVE TAKEN PLACE IN CAMERA IN THE PAST AND THE EMB HAS RARELY LEARNED OF THEM. THE EMB BELIEVES THAT SUCH STUDENTS WOULD BE PROSECUTED FOR MORE SPECIFIC OFFENSES COMMITTED ABROAD, SUCH AS DESTRUCTION OF IRANIAN CONSULAR PROPERTY OR ATTACKING IRANIAN GOVERNMENT OFFICIALS, THOUGH AGAIN, WE KNOW OF NO SPECIFIC CASES SO PROSECUTED.

5. THERE HAVE BEEN MANY IRANIAN STUDENTS RETURNING FROM OVERSEAS OVER THE YEARS. OUR UNDERSTANDING OF THE PROCEDURE FOLLOWED HERE IS THAT ANY OF THEM WHO MIGHT BE SUSPECTED OF ANTI-REGIME ACTIVITIES OR BELIEFS ARE QUESTIONED BY THE SECURITY AUTHORITIES UPON ARRIVAL. THIS IS PARTICULARLY CONFIDENTIAL

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TRUE IF THEIR NAME APPEARS SOMEWHERE INSAVAK OR POLICE FILES. THEIR TREATMENT AFTER QUESTIONING GENERALLY DEPENDS ON HOW THEY ARE PREPARED TO BEHAVE IN IRAN. THEY ARE PROBABLY WARNED AND ASKED TO GIVE ASSURANCES OF GOOD BEHAVIOR, IN SOME CASES IN WRITING. THEY ARE ALMOST CERTAINLY WATCHED FOR A PERIOD OF TIME AND PERHAPS QUESTIONED FROM TIME TO TIME TO BE SURE THEY ARE OBEYING ALL IRANIAN LAWS. IF AFTER THIS PERIOD OF SURVEILLANCE NOTHING DEROGATORY IS TURNED UP, WE HAVE NO REASON TO BELIEVE THEY ARE TREATED DIFFERENTLY FROM OTHER IRANIAN CITIZENS.

6. THE ABOVE COMMENTS DEAL WITH THE QUESTION OF PROSECUTION FOR POLITICAL OFFENSES OR ACTS. THERE HAS BEEN NO EVIDENCE OF PERSECUTION IN THE PAST, NOR WOULD WE EXPECT IT IN THE FUTURE, FOR REASONS OF RACE, RELIGION, NATIONALITY, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP (INSOFAR AS THIS DOES NOT APPLY TO AN ILLEGAL POLITICAL PARTY OR GROUP).

7. THE ABOVE INFORMATION IS THE BEST WE CAN PUT TOGETHER FROM ALL EMB SOURCES AND APPLIES TO THE PRESENT PERIOD OF RELATIVE PROGRESS IN LIBERALIZATION OF INTERNAL SECURITY CONTROLS. WE EXPECT THIS PERIOD TO CONTINUE FOR THE

IMMEDIATE AND PERHAPS INDEFINITE FUTURE, BUT OF COURSE WE
CANNOT GUARANTEE THE SITUATION WILL NOT CHANGE.
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